

## Declaration and Power of Attorney For Patent Application

特許出願宣言書及び委任状

### Japanese Language Declaration

#### 日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

As a below named inventor, I hereby declare that:

私の住所、私書箱、国籍は下記の私の氏名の後に記載された通りです。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者であると（下記の名称が複数の場合）信じています。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Hydraulically Driven Working Machine

上記発明の明細書（下記の欄でx印がついていない場合は、本書に添付）は、

the specification of which is attached hereto unless the following box is checked:

一月一日に提出され、米国出願番号または特許協定条約国際出願番号を \_\_\_\_\_ とし、  
(該当する場合) \_\_\_\_\_ に訂正されました。

was filed on \_\_\_\_\_  
as United States Application Number or  
PCT International Application Number  
\_\_\_\_\_ and was amended on  
\_\_\_\_\_ (if applicable).

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Japanese Language Declaration (日本語宣言書)

私は、米国法典第35編119条(a)-(d)項又は365条(b)項に基き下記の、米国以外の国の少なくとも一ヵ国を指定している特許協力条約365(a)項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

**Prior Foreign Application(s)**

外国での先行出願

Hei 11-32709

Japan

(Number) (番号)	(Country) (国名)
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(Number) (番号)	(Country) (国名)
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私は、第35編米国法典119条(e)項に基いて下記の米国特許規定に記載された権利をここに主張いたします。

(Application No.)

(出願番号)

(Filing Date)

(出願日)

私は、下記の米国法典第35編120条に基いて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条(c)に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

(Application No.)  
(出願番号)(Filing Date)  
(出願日)(Application No.)  
(出願番号)(Filing Date)  
(出願日)

私は、私自身の知識に基づいて本宣言書中で私が行なう表明が真実であり、かつ私の入手した情報と私の信じるところに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行なえば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごく宣誓を致します。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

**Priority Not Claimed**

優先権主張なし

10 / 02 / 1999

(Day/Month/Year Filed) (出願年月日)	<input type="checkbox"/>
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(Day/Month/Year Filed) (出願年月日)	<input type="checkbox"/>
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I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.)

(出願番号)

(Filing Date)

(出願日)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)
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(Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment; or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## Japanese Language Declaration (日本語宣言書)

委任状： 私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。（弁護士、または代理人の氏名及び登録番号を明記のこと）

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number)

書類送付先

Send Correspondence to:

直接電話連絡先：（名前及び電話番号）

Direct Telephone Calls to: (name and telephone number)

唯一または第一発明者名 <u>Masami MIYANISHI</u>	Full name of sole or first inventor		
発明者の署名 <u>MASAMI MIYANISHI</u>	日付 <u>March 24, 2001</u>	Inventor's signature	Date
住所 <u>Osaka, Japan</u>	<u>JPX</u>	Residence	
国籍 <u>Japanese</u>	Citizenship		
私書箱 <u>1-32, Chayamachi, Kita-ku, Osaka-shi, Osaka Japan</u>	Post Office Address		
第二共同発明者	Full name of second joint inventor, if any		
第二共同発明者	日付	Second inventor's signature	Date
住所	Residence		
国籍	Citizenship		
私書箱	Post Office Address		

（第三以降の共同発明者についても同様に記載し、署名をすること）  
(Supply similar information and signature for third and subsequent joint inventors.)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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**Prior Foreign Application(s)**

外国での先行出願

Hei 11-31666Japan

(Number)

(Country)

(番号)

(国名)

Hei 11-31667Japan

(Number)

(Country)

(番号)

(国名)

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(Application No.)(出願番号)(Filing Date)(出願日)(Application No.)(出願番号)(Filing Date)(出願日)

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**Priority Not Claimed**

優先権主張なし

09 / 02 / 1999

(Day/Month/Year Filed)

(出願年月日)

09 / 02 / 1999

(Day/Month/Year Filed)

(出願年月日)

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(Application No.)(出願番号)(Filing Date)(出願日)

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(現況: 特許許可済、係属中、放棄済)

(Status: Patented, Pending, Abandoned)  
(現況: 特許許可済、係属中、放棄済)

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## **ASSIGNMENT**

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned: Masami MIYANISHI

YANMAR DIESEL ENGINE CO., LTD., the undersigned hereby sell(s) and assign(s) to

(the Assignee) their entire right, title and interest

*check applicable box(es)*  for the United States of America (as defined in 35 U.S.C. § 100),  
 and throughout the world,

in the invention(s) known as **Hydraulically Driven Working Machine**

for which application(s) for patent in the United States of America has (have) been executed by the undersigned on \_\_\_\_\_  
(also known as United States Application No. 09/719,772, filed \_\_\_\_\_, filed  
§371 Date: TBA \_\_\_\_\_), in any and all applications thereon, in any and all Letters Patent(s) therefor, and in any and all  
reissues, extensions, renewals, reexaminations, divisions and continuations of such applications or Letters Patent(s) to the full end  
of the term or terms for which such Letters Patent(s) issue, such entire right, title and interest to be held and enjoyed by the above-  
named Assignee the same as they would have been held and enjoyed by the undersigned had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the application(s) and any continuing, divisional, reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning the application(s) or any continuation, division, reissue or reexamination thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The undersigned hereby covenant(s) that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict therewith.

The undersigned hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912, Edward J. Kessler, Esquire, Registration No. 25,688, Jorge A. Goldstein, Esquire, Registration No. 29,021, Samuel L. Fox, Registration No. 30,353, David K.S. Cornwell, Esquire, Registration No. 31,944, Robert W. Esmond, Esquire, Registration No. 32,893, Tracy-Gene G. Durkin, Esquire, Registration No. 32,831 and Michele A. Cimbala, Esquire, Registration No. 33,851 of STERNE, KESSLER, GOLDSTEIN & FOX, 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date: March 24, 2001 Signature of Inventor: Masami MIYANISHI

Date: \_\_\_\_\_ Signature of Inventor: \_\_\_\_\_

**Date:** \_\_\_\_\_ **Signature of Inventor:** \_\_\_\_\_

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U.S. Department of Commerce  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party:

(1) Masami Miyanishi

Additional name(s) of conveying party(ies) attached?  yes  no

3. Nature of Conveyance:

- Assignment       Merger  
 Security Agreement       Change of Name  
 Other \_\_\_\_\_

Execution Date: March 24, 2001

2. Name and address of receiving party:

Name: Yanmar Diesel Engine Co., Ltd.

Street Address: 1-32, Chayamachi, Kita-ku, Osaka-shi

City: Osaka State: Zip Code: 530-0013

Country: Japan

Additional name(s) & address(es) attached?  yes  no

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No(s).

09/719,772

B. Patent No(s).

Additional numbers attached?

yes  no

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

Internal Address: c/o Tracy-Gene G. Durkin

04/30/2001 MNGUYEN 00000052 09719772

02 FC:581

Street Address: 1100 New York Ave., N.W.

City: Washington State: D.C. Zip Code: 20005-3934

6. Total number of applications and patents involved

1

7. Total fee (37 C.F.R. § 3.41).....\$ 40.00

Enclosed

Authorized to be charged to Deposit Account

8. Deposit Account Number: 19-0036

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9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Tracy-Gene G. Durkin

Name of Person Signing

Registration No. 32,831

Signature

Total number of pages including cover sheet, attachments and document 2

Date

4/26/01

OMB NO. 0651-0011 (exp.4/94)

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Washington, D.C. 20231